

## REMARKS

In view of the preceding amendments and the comments which follow, and pursuant to 37 C.F.R. § 1.111, amendment and reconsideration of the Official Action of June 9, 2003 is respectfully requested by Applicant.

### Summary

Claims 1, and 3 - 5 stand rejected. Claims 1 and 3 – 5 are amended. Figure 11 has also been amended. No new matter has been introduced as a result of these amendments.

Claims 1 and 3 - 5 are pending following entry of the present amendments.

### Objections

The Examiner has objected to the drawing of Figure 11 as failing to comply with 37 CFR 1.84(p) (5). Applicant has corrected these drawings, as provided in the attached drawing sheets, to remove the objections. With respect to Figure 11, the 'imaginary' (dot-dash lined portion) arcuate portion forming an endpoint of the diameter 'G' has been translated 'downward' to the circle defining the arcuate portions 'J'. As such, the distance 'G' depicted in the replacement drawing sheet of Figure 11 now conforms to the corresponding description found on page 10 of the specification. Applicant therefore respectfully requests that the objections to the Figure 11 be withdrawn.

### Rejection under 35 U.S.C. § 112

The Examiner has rejected claims 1 and 3 - 5 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Regarding claims 1 and 4, the Examiner states that the claimed "arcuate portions" are merely curves and therefore do not have a radius. Applicant submits that the specification does provide at least two passages that prevent

the phrasings of "arcuate portions" from being indefinite, and in fact do confer the meaning of arc segments. On page 4, lines 6 – 8, the specification states that "the diameter of the arcuate parts of the clamping windows may be  $\pm 2\text{mm}$  of 28 mm." Also, on page 9, lines 17 – 20, the specification states that "the clamping window 3s is formed by arcuate parts J each having a radius of 14 mm from the center C of the window 3s ( the same as the center C of the disk D), i.e., having a diameter g of 28 mm in the vertical direction E". Therefore, Applicant submits that at least based on the above listed passages, the specification does confer a meaning of "arc segments of a circle" whenever "arcuate parts" are mentioned. As such, claim 1 has been amended to remove any ambiguities and relay that the arcuate portions comprise arc segments of a single circle each having a radius that intersects the rotational axis of said optical disc.

Further, the Examiner stated that claim 1 fails to clearly delineate the position of the second ("upper") arcuate portion of the clamping window. As amended, claim 1 reflects the amended Figure 11 and the corresponding section of the specification, found from line 11 on page 9 to line 12 on page 10, wherein the boundary, i.e. the imaginary line, does connect the arcuate portions, and thus also delineates between the clamping and reading/writing windows. Therefore, the perimeter of the clamping window does comprise a pair of opposing linear portions connected between a pair of opposing arcuate portions, with the arcuate portions being arc segments of the same circle which is centered at the rotational axis of the disk, and that the lateral width of the clamping window is shorter than the diameter of the circle. Thus, Applicant submits that claim 1 is allowable, and claims 3 – 5 which depend on claim 1 are also allowable. Applicant therefore requests that the rejections of claims 1 and 3 – 5 under 35 U.S.C. § 112 be withdrawn.

### **Conclusion**

Applicant submits that this application is now in condition for allowance, and favorable reconsideration of this application in view of the above

amendments and remarks is respectfully requested. Allowance of claims 1 and 3 - 5 at an early date is earnestly solicited. If, there are additional fees due, Applicant requests that this paper constitutes any necessary petition and authorizes the Commissioner to charge any underpayment, or credit any overpayment, to Deposit Account No. 23-1925.

If the examiner finds that there are any outstanding issues which may be resolved by a telephone interview, the Examiner is invited to contact the undersigned attorney at the below listed number

Respectfully submitted,  
Brinks, Hofer, Gilson & Lione

By 

Michael E. Milz  
Registration No.: 34,880

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200